

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL ANTHONY BARQUET,

Defendant.

NO. CR25-037RSM

DISCOVERY PROTECTIVE ORDER

This matter, having come to the Court's attention on the parties' joint motion for entry of a discovery protective order, and the Court, having considered the motion, and being fully advised in this matter, pursuant to Fed. R. Crim P. 16(d)(1), hereby enters the following PROTECTIVE ORDER:

1. **Protected Material.** For purposes of this Order, "Protected Materials" shall include all Bureau of Prisons investigative materials, including reports, witness statements, photographs and surveillance videos.

2. **Designation of Protected Material.** The Protected Material shall be designated by the government, on the material itself, in a placeholder if the electronic file cannot be marked (as is the case with certain native files), or on a physical label affixed to a disk or other media, using the following designation "PROTECTED MATERIAL". The

1 failure to designate any materials as Protected shall not constitute a waiver of a party's  
2 assertion that the materials are covered by this Protective Order. If material is later found  
3 to be covered by this Protective Order, the government will re-produce a properly  
4 designated copy of the material.

5       **3. Production of Protected Material to the Defense.** The United States will  
6 make available copies of the Protected Materials, including those filed under seal directly  
7 to defense counsel to comply with the government's discovery obligations, and/or to a  
8 Coordinating Discovery Attorney, should one be appointed. Possession of copies of  
9 Protected Material is limited to attorneys of record, their office staff, investigators,  
10 paralegals, assistants, and law clerks, as well as necessary third-party vendors, consultants,  
11 and/or experts (hereinafter collectively referred to as "members of the defense team"). At  
12 all times, third-parties shall be subject to the terms of this order. Further, the attorneys of  
13 record are required to make available, prior to disseminating any copies of the Protected or  
14 Sensitive Materials to members of the defense team, a copy of this Protective Order to  
15 members of the defense team.

16       **4. Restrictions on use with Artificial Intelligence Tools.** The Protected  
17 Material shall not be loaded into an artificial intelligence (AI) tool or model, generative or  
18 not, where rights to the data are retained by any party that has not explicitly agreed to be  
19 covered by the protective order.

20       **5. Review of Protected Material by Defendant.** The attorney(s) of record and  
21 members of the defense team may share and review the Protected Material with Defendant.  
22 Defendant shall be permitted to review the Protected Material with his counsel, but will be  
23 prohibited from retaining his own copies, printing out, copying, or otherwise disseminating  
24 the discovery in any way.

25       **6. Limits on Dissemination of Protected Materials.** The attorney(s) of record  
26 and members of the defense team acknowledge that providing copies of the Protected  
27 Material to Defendant and other persons is prohibited and agree not to duplicate or provide

1 copies of the Protected Material to Defendant and other persons. Members of the defense  
2 team, defendants, and any others to whom disclosure of the content of Protected Material  
3 may be necessary to assist with the preparation of the defense, shall not disclose the  
4 Protected Material or its contents, other than as necessary for the preparation of defenses  
5 at trial and in subsequent legal proceedings, if necessary. This order does not limit  
6 employees of the United States Attorney's Office for the Western District of Washington  
7 from disclosing the Protected Material to members of the United States Attorney's Office,  
8 law enforcement agencies, witnesses, and the Court and defense as necessary to comply  
9 with the government's discovery obligations.

10       7.     **Future Production of Additional Protected Materials.** Additional types of  
11 discovery items may be deemed by the parties to constitute Protected Material upon  
12 agreement, or (if no agreement can be reached) by further order of the Court.

13       8.     **No Waiver.** Nothing in this order should be construed as imposing any  
14 substantive discovery obligations on the government that are different from those imposed  
15 by case law and Rule 16 of the Federal Rules of Criminal Procedure.

16       9.     **Use of Protected Material in Court.** Any Protected or Sensitive Material  
17 that is filed with the Court in connection with pre-trial motions, trial, or other matter before  
18 this Court, shall be filed under seal and shall remain sealed until otherwise ordered by this  
19 Court. This does not entitle either party to seal their filings as a matter of course. The parties  
20 are required to comply in all respects with the relevant local and federal rules of criminal  
21 procedure pertaining to the sealing of court documents. If the Protected Material to be filed  
22 with the Court was designated as Protected solely because it contains personal-identifying  
23 information, it may be filed publicly, provided it has been redacted in compliance with  
24 Federal Rule of Criminal Procedure 49.1 and Local Criminal Rule 49.1.

25       10.    **Non-Termination.** The provisions of this Order shall not terminate at the  
26 conclusion of this prosecution. Furthermore, after any judgment or disposition has become  
27 final and there are no pending proceedings, challenges, appeals, or habeas motions in the

1 case, defense counsel shall destroy the Protected Materials. If defense counsel finds that  
2 retention of the Protected Materials in their possession is necessary for authorized reasons,  
3 such as professional or ethical obligations, defense counsel shall retain the Protected  
4 Materials in their case file subject to the restrictions of this Order.

5       11. **Violation of Order.** Any person who willfully violates this order may be  
6 held in contempt of court and may be subject to monetary or other sanctions as deemed  
7 appropriate by this Court.

8       12. **Modification of Order.** Nothing in this Stipulation shall prevent any party  
9 from seeking modification of this Protective Order or from objecting to discovery that it  
10 believes to be otherwise improper. The parties agree that in the event that compliance with  
11 this Order makes it difficult for defense counsel to adhere to their Sixth Amendment  
12 obligations, or otherwise imposes an unworkable burden on counsel, defense counsel shall  
13 bring any concerns about the terms of the Order to the attention of the government. The  
14 parties shall then meet and confer with the intention of finding a mutually acceptable  
15 solution. In the event that the parties cannot reach such a solution, defense counsel shall  
16 have the right to bring any concerns about the scope or terms of the Order to the attention  
17 of the Court by way of a motion.

18       13. **No Ruling on Discoverability or Admissibility.** This Protective Order does  
19 not constitute a ruling on the question of whether any particular material is properly  
20 discoverable or admissible and does not constitute any ruling on any potential objection to  
21 the discoverability of any material.

22       14. **No Ruling on Timing of Production.** This Protective Order does not require  
23 the Government to provide particular discovery at a time or in a fashion inconsistent with  
24 applicable law.

25       15. **Addition of Defendants after Entry of Order.** This Protective Order will  
26 cover additional Defendants in this case so long as they agree to be bound by the terms of  
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1 this Protective Order and so indicate that consent by the execution of a supplemental  
2 stipulation, which shall be filed as an addendum or supplement to this Protective Order.

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4 The Clerk of the Court is directed to provide a filed copy of this Protective Order to  
5 all counsel of record.

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7 DATED this 9<sup>th</sup> day of April, 2025.

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11 RICARDO S. MARTINEZ  
12 UNITED STATES DISTRICT JUDGE

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14 Presented by:

15 s/ Vincent T. Lombardi

16 VINCENT T. LOMBARDI

17 Assistant United States Attorney  
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